



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

June 27, 2013

By Electronic Mail

Carol Dinkins, Esq.
Vinson & Elkins
First City Tower
1001 Fannin St., Suite 2500
Houston, TX 77002

Re: Diamond Alkali, Lower Passaic River Study Area - Administrative Settlement
Agreement and Order on Consent for Remedial Investigation and Feasibility Study,
USEPA Region 2 CERCLA Docket No. 02-2007-2009

Dear Carol:

The U.S. Environmental Protection Agency ("EPA") understands that Occidental Chemical Corporation has declined to participate in the payment due in May 2013 into the trust account established by the Cooperating Parties Group ("CPG") under the Administrative Settlement Agreement and Order on Consent ("AOC") for the remedial investigation and feasibility study ("RI/FS") for the Lower Passaic River Study Area ("LPRSA").

EPA is not familiar with the provisions of the private agreement among the members of the CPG, which until last year included Occidental, and cannot evaluate what obligations the signatories may have under that agreement. However, by virtue of having executed the AOC as a Settling Party, Occidental committed under Paragraph 97 to "establish and maintain a Performance Guarantee" and Occidental should undertake to meet its commitment in that regard.

We understand that you have contacted the CPG recently to discuss coordination, though without success. As this could be beneficial to performance of the RI/FS, we would like to encourage continued efforts in this regard, and we will similarly encourage the CPG. Perhaps a discussion of payment into the trust account by Occidental could be a step in that direction.

Please do not hesitate to contact me at 212-637-3136 if you have any questions.

Sincerely yours,

A handwritten signature in black ink that reads "Sarah P. Flanagan".

Sarah P. Flanagan
Assistant Regional Counsel

June 27, 2013

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cc: William H. Hyatt, Jr., Esq.
R. Basso, ERRD
S. Vaughn, ERRD
P. Hick, ORC